

EXHIBIT 31

To: Russell Kimble[russell@car-tender.com]
From: John McDermott[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=565F646B630B4D7393CEBB0DDA13B15F-JOHN]
Sent: Mon 6/29/2020 12:56:07 PM (UTC-07:00)
Subject: FW: Hunters Capital v. City of Seattle
 2020-06-27 Letter to Mayor Durkan.pdf

John McDermott

Service Consultant and Master Technician

/// Car-Tender

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From: Angelo Calfo <angeloc@calfoeakes.com>

Sent: Saturday, June 27, 2020 2:39 PM

To: Bill Donner (Richmark) <bdonner@richmarklabel.com>; Brad Augustine <brada@madronarealestate.com>; John McDermott <john@car-tender.com>; Craig Swanson <craig@redsidepartners.com>; Jill Cronauer <Jill@hunterscapital.com>; joe 0757 <joe0757@hotmail.com>; kathleen caples <kathleen@sageptseattle.com>; Lonnie@bergmanslockandkey.com; Magdalena Sky <tattoosandfortune@gmail.com>; Michael Malone <Michael@hunterscapital.com>; Michael Oaksmith <Moaksmith@hunterscapital.com>; NW Liquor and Wine <eddiesglobal@yahoo.com>; wade.biller <wade.biller@hotmail.com>

Cc: Patty Eakes <pattye@calfoeakes.com>

Subject: FW: Hunters Capital v. City of Seattle

From: Patty Eakes <pattye@calfoeakes.com>

Sent: Saturday, June 27, 2020 2:10 PM

To: Groshong, Joseph <Joseph.Groshong@seattle.gov>; Boies, Carolyn <Carolyn.Boies@seattle.gov>

Cc: Angelo Calfo <angeloc@calfoeakes.com>

Subject: Hunters Capital v. City of Seattle

Joseph & Carolyn,

Please see the attached letter.

Best,

Patty

Patty A. Eakes

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Patty Eakes
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June 27, 2020

Via Email Only

joseph.groshong@seattle.gov
carolyn.boies@seattle.gov

Joseph Groshong
Carolyn Boies
Assistant City Attorneys
Seattle City Attorney's Office, Civil Division
701 Fifth Ave., Suite 2050
Seattle, WA 98104

Re: *Hunters Capital LLC, et al. v. City of Seattle* (W.D. Wash.)

Dear Joseph & Carolyn:

Thank you for speaking with us yesterday regarding our clients' lawsuit against the City of Seattle seeking to stop the City's unconstitutional endorsement and support of those occupying what is called the Capitol Hill Occupied Protest, or "CHOP." We wrote to Mayor Durkan last Wednesday after filing the lawsuit and requested that she promptly advise our clients of the City's plan to discontinue the constitutional violations so that we could assess the need for injunctive relief.

In our call yesterday, we asked you for the City's response to our letter to the Mayor. You stated that you were not in a position to state whether the City had a specific plan relative to CHOP, and, even assuming the City did have such a plan, you said that you would not disclose any details because doing so could endanger City employees by giving notice to the protestors, who might then obstruct the City's effort. Considering your representation, we offered to enter into a confidentiality agreement under which we would be prohibited from disclosing to the public or any third party the City's plan or its timeline. You stated that you would consider our request but that it was highly unlikely that the City would agree to make disclosures even pursuant to a confidentiality agreement.

We want to bring to your attention that, despite your claim that disclosing the City's plan or its timeline could endanger City employees or public safety, there are multiple media reports

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this morning that Mayor Durkan met with groups of protestors last night to “negotiate” removal of occupants and barriers from the CHOP area. Following that meeting, protest group leaders who had met with the Mayor announced to the media that Mayor Durkan had told them that the City plans to remove by Sunday at least some of the City-owned and City-provided barricades that had been given to CHOP occupants. Other details of Mayor Durkan’s disclosures to protest group leaders are not available, but there is no indication that the City required the protestors to enter into a confidentiality agreement relative to the City’s plans.

It is apparent that the City is willing to disclose its plans and its timeline to CHOP protest leaders but refuses to offer the same to our clients, who are the residents, employees, and businesses of this area in Capitol Hill and most of whom have lived and worked in the neighborhood for many, many years. This concerns us because it directly conflicts with the representations you made to us yesterday. It can’t be a security risk to disclose the City’s plans to our clients but somehow not be a security risk to disclose the City’s plans to the leaders of loose groups of protestors—presumably the very individuals that you told us the City was concerned might obstruct the City’s plans, if provided advance notice of them. In our view, the City’s policy of providing CHOP participants with advance notice and an opportunity to be heard on the City’s Plans, while denying our clients any notice at all on the future of their neighborhood and their property rights, constitutes a continuation of the City’s sponsorship and endorsement of the occupation of our clients’ neighborhood and the resulting constitutional violations.

Given Mayor Durkan’s representations to the protestors that the City will make substantial progress toward removing barricades on Sunday morning, we will certainly wait to apply for injunctive relief unless it becomes clear that the City is unwilling to follow through with its plans. Our clients were disappointed in the City’s token effort to remove barriers and take other actions on Friday morning. We hope the City acts with greater resolution on Sunday morning and thereafter.

One final thing. We asked on Friday whether the City had taken steps to preserve evidence potentially relevant to our clients’ claims. You stated that your office had not done so, noting that the City has a mandatory 30-day hold on email. As you know, a variety of communications and public documents beyond email are likely relevant to our claims. While we will follow up with a more specific preservation request letter, we believe the City has an independent obligation to ensure that evidence related to our lawsuit is not discarded or destroyed; for example, text messages on the business or personal phones of the Mayor and her staff, the Chief of Police and other high-level managers of the police department, the head of the Seattle Department of Transportation and its high-level managers, and the Fire Chief and high-level managers of the fire department, all of whom, according to media reports, have been involved in CHOP issues, will likely be relevant to our claims.

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Thank you and we look forward to hearing from you on Monday.

Sincerely,

CALFO EAKES LLP



Patty A. Eakes

cc: Angelo Calfo

PAE:pae